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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,240	03/15/2001	Hideo Ando	204331US-2S	6633
22850	7590	06/04/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHIEU, PO LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,240

Applicant(s)

ANDO ET AL.

Examiner

Polin Chieu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/04 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al (6,078,727) in view of Yanagihara (6,028,726) and Yamauchi et al (6,047,103).

Regarding claims 20 and 25, Saeki et al teaches recording with a data structure using transport stream packets and data units (figs. 10 and 15); a data area configured to store object data (fig. 10) of the stream data using the transport stream packets, a management area configured to store management information of the object data (fig. 8), the management information includes stream object information for managing the

object data (fig. 8), receiving the stream data (9, fig. 15); and recording the received data stream data on the information medium in accordance with the data structure (fig. 10). However, Saeki et al does not disclose specifically a MPEG-TS; and the stream object information includes an area configured to store bits of a copy generation management system.

Yanagihara teaches recording stream data of MPEG-TS in accordance with a data structure using transport stream packets (col. 5, lines 7-65). Further, Yanagihara teaches the size of one of the data units (Saeki et al, col. 10, lines 11-22) is larger than one of the transport stream packets (col. 1, lines 45-50).

Yamauchi et al teaches information including an area configured to store bits of a copy generation management system (CGMS, fig. 2).

It would have been highly desirable to record an MPEG-TS in accordance with a data structure using transport stream packets so that a MPEG-TS stream can be recorded on a DVD (i.e. Saeki et al simply discloses a receiver making it unclear what type of signal formats can be received and recorded), thereby providing the user with more options as to what types of signals can be received and recorded. It would have been highly desirable to have information including an area configured to store copy generation management system data so that the author of the data can control future copy operations.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to record a MPEG-TS and have information including CGMS data in the device of Saeki et al.

Regarding claims 21 and 26, Saeki et al discloses recording, in the management area, at least a time difference value (fig. 11) corresponding to a difference between a first time stamp recorded in a first data unit and a second time stamp recorded in a second data unit, said first and second data units being included in the plurality of said data units (col. 10, line 22 – col. 11, line 37).

Regarding claims 22 and 27, Saeki et al does not explicitly disclose determining the time difference value by rounding to a predetermined number of effective digits a difference between a time information value corresponding to the second time stamp and a time information value corresponding to the first time stamp.

Saeki et al discloses determining a time difference by determining the time difference between two time stamps, as discussed in the art rejection of claim 21. It is well known in art of mathematics to round to a predetermined number of digits. For example,  $1/3$  is often rounded of to a predetermined number of digits, such as .333. However,  $1/3$  is not a finite number.

It would have been highly desirable to round the time difference value to a predetermined number of digits to simplify the time difference operation and reduce the number of bits needed to store the time difference value.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to round the time difference value to a predetermined number of effective digits in the device of Saeki et al.

Regarding claims 23 and 28, Saeki et al discloses computing the time difference value using a value of the first time stamp recorded in the first one of the data packets located in each of the data units (col. 10, line 22 – col. 11, line 37).

Regarding claims 24 and 29, Saeki et al discloses computing the time difference (col. 10, line 22 – col. 11, line 37). However, Saeki et al does not disclose recording a time stamp in one of the data packets at an end of a last one of the data units included in the stream data indicating an arrival time of a last one of the data packets in the last one of the data units; and computing the time difference value using the arrival time of the last one of the data packets.

Yanagihara teaches storing arrival times of each packet (col. 6, lines 1-20). It is clearly obvious that a time difference between a particular packet and the last packet can be calculated using the arrival times of the particular packet and the last packet.

It would have been highly desirable to calculate the time difference between packets to aid playback functions (i.e. fig. 21, 205).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to compute the time difference values using the arrival time of the last one of the data packets in the device of Saeki et al.

Regarding claim 30, many of the limitations of claim 30 were discussed in the art rejection of claims 20 and 25. Please refer to the art rejection of claims 20 and 25. Additionally, Saeki et al discloses a receiver block configured to receive the stream data (9, fig. 15); and a recorder block configured to record the stream data received by the receiver block on the information medium in accordance to the data structure (3).

Regarding claim 31, many of the limitations of claim 31 were discussed in the art rejection of claims 20 and 25. Please refer to the art rejection of claims 20 and 25. Additionally, Saeki et al discloses a reproducer block configured to reproduce the stream data with the data structure from the information medium (3, fig. 15); and a decoder block configured to decode the stream data reproduced by the reproducer block (4).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kato et al discloses copy protection information (fig. 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Art Unit: 2615

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC  
May 28, 2004

  
TRAN  
PRIMARY EXAMINER